

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1198 - SB 1318

March 3, 2023

SUMMARY OF BILL: Enacts the *Silas Gable Flatt Law*.

Creates a Class A misdemeanor offense for a person to knowingly provide a motor vehicle to another person who the provider of the vehicle knows or reasonably should know is under the influence of an intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof.

Creates a Class A misdemeanor offense for a person to knowingly provide a motor vehicle to another person who the provider of the vehicle knows or reasonably should know is a person whose driver license has been suspended or revoked by the court due to a conviction for driving under the influence unless the person receiving the motor vehicle has been granted a restricted driver license and the motor vehicle is being provided for a purpose permissible under the court order granting the person's restricted driver license.

Establishes penalties for these offenses as follows:

- first offense: minimum 48 hours of incarceration;
- second offense: minimum 72 hours of incarceration, and;
- third or subsequent offense: minimum 7 consecutive days of incarceration.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumption:

- Pursuant to Tenn. Code Ann. § 39-11-401, a person is criminally responsible as a party to an offense, if the offense is committed by the person's own conduct, by the conduct of another for which the person is criminally responsible, or by both. Each party to an offense may be charged with commission of the offense.
- Pursuant to Tenn. Code Ann. § 39-11-402(2), a person is criminally responsible for an offense committed by the conduct of another if acting with intent to promote or assist the commission of the offense, or to benefit in the proceeds or results of the offense, the person solicits, directs, aids, or attempts to aid another person to commit the offense.
- It is assumed that convictions of the proposed offenses will be relatively difficult to attain and therefore, infrequent. In addition, it is assumed that the majority of such offenses could be prosecuted under current law, as mentioned above. Therefore, any

HB 1198 - SB 1318

fiscal impact to state and local expenditures related to incarceration are estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jj